



*One Court of Justice*  
**Michigan  
Supreme Court**

FY 2005 Budget Request

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MICHIGAN SUPREME COURT

April 27, 2004

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CHIEF JUSTICE

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The Honorable Alan L. Cropsey, Chairman  
1005 Farnum Building  
Lansing, MI 48933

The Honorable Michael Switalski  
410 Farnum Building  
Lansing, MI 48933

The Honorable Cameron Brown  
205 Farnum Building  
Lansing, MI 48933

The Honorable Michael Prusi  
515 Farnum Building  
Lansing, MI 48933

The Honorable Valde Garcia  
S-132 Capitol  
Lansing, MI 48933

Dear Chairman Cropsey and Members of the Senate Appropriations Subcommittee on the Judiciary:

The Michigan Supreme Court is pleased to submit its budget request for Fiscal Year 2005. The Governor and the Department of Management and Budget have once again called for all state departments and agencies to find areas where restricted revenues can be used to offset current general fund. The proposed FY 2005 budget for the Judiciary reduces the total general fund appropriation by \$3.2 million from the enacted FY 2004 appropriation while providing a net \$1.9 million increase for judicial operations that will partially cover increases in employee-related costs. The attached budget holds the line on spending without compromising judicial branch functions and public services.

The proposed budget reflects projected revenue increases from the Justice System Fund, which was created as part of the legislation passed during last year's budget cycle to revise the system of assessments and costs in criminal cases. We have identified improvement of the collection of these court-ordered financial sanctions as one of our top priorities.

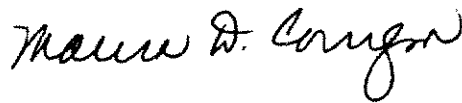
If approved, this budget will also allow the judiciary to continue funding for two key initiatives. First, through the Judicial Technology Improvement Fund (JTIF), computer systems are being set up in every court. They will be connected to law enforcement and other agencies as well as to each other. Installation is complete in all courts in 47 counties and in the circuit and probate courts in an additional 27 counties. Of those 74 counties, 54 are now connected to the state's local government network, or LG Net. All remaining courts are scheduled to have hardware installed and to be connected to the LG Net by the end of 2004. Additional projects being funded by the JTIF include a statewide warehouse of court information, electronic payment of traffic tickets, and electronic filing of court documents.

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Second, the state's drug treatment court programs would be funded at the same level as in FY 2004, a total of \$4.6 million. Another \$1.8 million of Byrne Formula grant funding is available through the Office of Drug Control Policy. Drug treatment courts not only save taxpayer dollars – and free up space in overcrowded prisons for violent offenders – but they return incalculable benefits to society in the form of productive, stable human beings. Michigan currently has 36 drug treatment courts operating and another 27 in the planning stages.

We appreciate the opportunity to address your committee today. Please contact me for further discussions of this proposal. Deputy State Court Administrator Dawn Monk (517) 373-4841, Budget Officer Karen Ellis (517) 373-5544 and Supreme Court Counsel Michael Gadola, (517) 373-1294 are also available if you would like further information or to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, reading "Maura D. Corrigan". The signature is fluid and cursive, with the first name "Maura" being the most prominent part.

Maura D. Corrigan  
Chief Justice

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## FY 2005 Budget Request - Michigan Supreme Court

### Introduction

The Michigan Supreme Court recognizes that the State of Michigan faces continuing economic challenges in FY 2005. We will continue to work with the Legislature and the Executive Branch to find ways to reduce costs and increase efficiency while at the same time fulfilling our primary obligation: to serve the public and pursue the ends of justice.

Our family courts, and especially our Friends of the Court, completed the statewide conversion to a single computer system, the Michigan Child Support Enforcement System (MiCSES) in cooperation with FIA-OCS, DIT, and private contractors. The system has been certified by the federal government. Thanks to these sustained, cooperative efforts, our state has been spared more than \$147 million in federal penalties and has recouped \$35 million in a refund of previously paid federal penalties. Of this amount, \$6 million was placed in the FY 2004 judicial branch budget to be used for technological improvements.

During the last budget cycle, the Judiciary worked with the Legislature and the Executive Branch to pass legislation to revise the system of assessments and costs in criminal cases and to increase civil filing fees. For FY 2004, these proposals replaced \$11.2 million of general fund with restricted revenues, increased funding available for Drug Treatment Courts and the Judicial Technology Improvement Fund, and provided new funding for local units of government. In addition, these proposals moved \$8.6 million of court equity general fund to restricted revenues, protecting it from future general fund reductions. An additional \$2.5 million of general fund has been replaced by restricted revenues in the proposed FY 2005 budget as we move from the prior assessment and cost system to the new system.

The proposed FY 2005 budget for the Judiciary reduces total general fund by \$3.2 million from the enacted FY 2004 appropriation while providing a net \$1.9 million general fund increase for judicial operations. This funding will be used to cover higher costs for items like health care and state retirement charges and inflation in other costs. Judiciary employees did not receive the 3% cost of living adjustment received by most Executive Branch employees for FY 2004, and this general fund increase may also allow us to provide some kind of adjustment for FY 2005. The number of active employees on the Judiciary's payroll has decreased from 529 at the beginning of FY 2001 to 451 for the April 22, 2004, pay date. This is a decrease of 78 employees, almost 15%, which has been achieved through attrition, layoffs, and not replacing early retirees. We continue to evaluate the budget situation and hope to be able to replace a limited number of these positions.

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### **Judicial Technology Improvement Fund (JTIF)**

Technology plays a key role in the efficient and timely delivery of justice to Michigan citizens. Last year's increase in civil filing fees and the creation of the Civil Filing Fee Fund along with the \$6 million received by the Judiciary from the MiCSES penalty refund has provided funding for technology projects that will improve the operation of and services provided by the state's judicial system.

The Judiciary continues to develop a statewide judicial network to allow courts to submit information electronically to the Michigan State Police, Department of State and other state agencies. This network will provide courts and the criminal justice system with quick, accurate, and accessible information. Hardware installation is complete in circuit and probate courts in 27 counties and in all courts in 47 counties. Of these 74 counties, 54 are connected to the state's Local Government Network (LG Net) and are electronically transmitting criminal history records to the State Police Criminal Justice Information Center. The connectivity enables immediate update of the records. In the past, the majority of the submissions were in batches or on paper. The hardware installation and connection of the remaining courts and counties is scheduled to be completed by December 2004.

Another project being developed with the JTIF is a data warehouse of court information. Currently, the Judiciary's 251 trial court locations are supported by 41 different case management systems. These systems are also hosted locally by the county or municipality for that court. This creates a void in the knowledge about individuals involved with the Michigan court system and makes it difficult to obtain statistical information. The Judiciary has engaged the services of the Executive Branch's Data Warehouse and Bull Information Systems to develop a Proof of Concept for a Judicial Data Warehouse. The Judiciary hopes to leverage the other information sources at the warehouse to provide a comprehensive view of individuals involved with the Michigan court system. The Proof of Concept has been completed in the pilot courts of Isabella and Saginaw counties and is scheduled to be expanded into Bay, Clinton, Genesee, Gratiot, Midland, and Shiawassee counties by the summer of 2004. In FY 2005, expansion is scheduled to the counties of Alcona, Arenac, Clare, Eaton, Gladwin, Ingham, Ionia, Iosco, Livingston, Mecosta, Montcalm, Osceola, and Oscoda.

The Judiciary is working with the Executive Branch's e-Michigan Office and IBM to use the State's web-site to allow citizens to make payments on traffic tickets via the Internet. Development of the application is complete and was implemented in a pilot court in February 2004. The system is designed to interface to all trial court case management systems and can accommodate the payment of traffic tickets for multiple courts from one credit card transaction. An additional 20 courts are scheduled to be added in FY 2004 and FY 2005.

E-filing is another major project being developed with the JTIF that will allow courts, law firms, the public, and state agencies to streamline their paper filing activities while providing increased control over the process and improved access to information. Currently there are 700 forms used in Michigan's Judiciary. These forms need to become more operational in their usage and employ emerging technologies. The Judiciary has completed a Solutions Outline and Macro Design for the e-filing initiative of the Michigan Judiciary. The selected web-based forms development and support solution will become the foundation for all the e-filing initiatives. The pilot project plan includes the implementation of general civil cases and Michigan Public Service Commission cases for the Court of Appeals by November 2004.

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As an offset to a \$1,000,000 reduction in court equity fund reimbursement, \$1,000,000 of FY 2005 JTIF will be distributed to counties in the same proportion as their court equity distributions. These funds are intended to be used for court technology needs.

### Collections at Michigan Trial Courts

Improvement of the collection of court-ordered financial sanctions is a top priority for the Michigan judiciary. If these court-ordered financial sanctions are not collected, the offender may believe he or she has beaten the system. A commitment to improving court collections will maintain the credibility and integrity of the court while at the same time increasing revenue for the recipients of the funds. The Supreme Court plans to continue to improve collection processes at local trial courts through the use of the Department of Treasury's tax intercept and debt collection programs, providing software enhancements to trial courts to improve collections management capabilities, targeting courts with low collection rates for direct technical assistance, and implementing an enhanced trial court audit program to ensure that courts are assessing fees correctly and distributing funds properly.

Several steps have been taken in recent years to improve the collection process at the courts including:

- Statutory authorization of a 20% late penalty for a person who fails to pay fees or costs within 56 days after that amount is due and for the Department of Treasury to intercept state tax refunds and take other collection action to satisfy outstanding obligations.
- Publication of a manual outlining guidelines for trial court collections, including best practice standards, discussion of best practices, guidelines for developing a collection plan, and sample forms and references. This manual can be found on the Supreme Court web site at <http://courts.michigan.gov/scao/resources/standards/#collect>.
- Adoption of Michigan Court Rule 1.110, which requires that fines, costs, and other financial obligations imposed by the court be paid at the time of assessment unless good cause is shown.
- Enactment of legislation as part of the FY 2004 budget development process which consolidated certain assessments and costs in order to simplify the assessment, collection, and distribution of monetary obligations imposed by the courts; increased selected fees and assessments to provide additional revenue for local and state judicial operations; and provided funding for monitoring collections, distribution of fund receipts, management assistance, and audit of trial court collections.
- Established the position of Trial Court Collections Project Manager to be responsible for implementing and coordinating strategies and approaches to ensure trial court compliance with collection and fiscal management requirements and standards.

Additional steps that are in process or are being planned include:

- Simplify and expand the use of the Department of Treasury tax intercept and debt collection programs. Streamlined software with improved data exchange and fiscal management modules is being tested.

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- Provide software enhancements to improve trial court collections management capabilities.
- Continue to study court collections data to assess the impact of collection enhancement initiatives and identify areas for further improvements.
- Target courts with low collection rates and provide technical assistance to improve collection processes.
- Establish an advisory committee comprised of judges and court administrators with a track record of success in collections to come up with plans for improving court collections.
- Work with the Department of Corrections to establish processes and procedures to allow for collection of court-ordered sanctions from prisoner accounts.
- Identify areas where further legislative action is needed to strengthen the enforcement of court orders and judgments.
- Continue training on best practices for trial court collections which is currently included at MJI seminars and in SCAO updates for new chief judges, judges, probation officers, and court administrators.
- Expand auditing of trial court records to ensure that fines, costs and fees are properly assessed, collected and distributed. All trial courts will be reviewed during the current fiscal year.

### **Drug Treatment Courts**

Drug treatment courts have helped nonviolent offenders stop using alcohol and drugs, improve parenting skills, obtain employment and lead productive lives. Drug treatment courts hold offenders accountable for their behavior with intense judicial supervision, graduated sanctions, ongoing random mandatory drug testing, judicially supervised treatment and aftercare programs. Michigan currently has 63 drug treatment courts, including three tribal drug treatment courts. Twenty-seven of these are in the planning phase.

Funding for drug treatment courts increased dramatically in FY 2004 as \$4.6 million was made available in the Judiciary's appropriation, including \$1.8 million of federal Byrne Memorial Formula Grant funds and \$1.3 million from the Justice System Fund. An additional \$1.8 million of Byrne funds have also been made available through the Office of Drug Control Policy (ODCP), providing \$6.4 million of funding, double the funding available in FY 2003. With this combined funding, 30 drug treatment court programs have so far been awarded grants totaling \$4.5 million, as shown on the following chart:



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Court	SCAO Byrne Award	Other SCAO Awards	ODCP Byrne Award	Total 2004 Awards
<b>Barry County</b> Barry County Trial - Adult Barry County Trial - Juvenile	\$80,000	\$80,000 \$60,000	\$56,000 \$89,520	\$216,000 \$149,520
<b>Calhoun County</b> 37 <sup>th</sup> Circuit - Adult		\$53,500	\$80,000	\$133,500
<b>Eaton County</b> 56 <sup>th</sup> Circuit - DUI		\$38,000	\$56,716	\$94,716
<b>Genesee County</b> 7 <sup>th</sup> Circuit - Adult 67 <sup>th</sup> District - Adult	\$225,000	\$90,000 \$18,000	\$26,395	\$315,000 \$44,395
<b>Grand Traverse County</b> 13 <sup>th</sup> Circuit - Juvenile 86 <sup>th</sup> District, Traverse City - Adult		\$32,000 \$50,000	\$46,180 \$75,000	\$78,180 \$125,000
<b>Ingham County</b> 55 <sup>th</sup> District - Adult		\$24,000	\$70,000	\$94,000
<b>Iron County</b> 41 <sup>st</sup> Circuit - Adult		\$70,000	\$64,409	\$134,409
<b>Isabella County</b> Isabella County Trial - Adult		\$20,000	\$70,000	\$90,000
<b>Kalamazoo County</b> 9 <sup>th</sup> Circuit - Adult	\$180,000	\$70,000		\$250,000
<b>Kent County</b> 61 <sup>st</sup> District, Grand Rapids - Adult		\$175,000	\$225,000	\$400,000
<b>Lapeer County</b> 40 <sup>th</sup> Circuit - Juvenile		\$30,000	\$76,000	\$106,000
<b>Livingston County</b> 44 <sup>th</sup> Circuit - Adult		\$20,000		\$20,000
<b>Macomb County</b> 16 <sup>th</sup> Circuit - Adult 16 <sup>th</sup> Circuit - Juvenile 37 <sup>th</sup> District, Warren - Adult	\$225,000	\$50,000 \$50,000 \$100,000	\$100,000 \$200,000	\$275,000 \$150,000 \$300,000
<b>Manistee County</b> 19 <sup>th</sup> Circuit - Juvenile		\$15,000	\$76,000	\$91,000
<b>Oakland County</b> 6 <sup>th</sup> Circuit - Adult 6 <sup>th</sup> Circuit - Juvenile 43 <sup>rd</sup> District, Ferndale - Adult 46 <sup>th</sup> District, Southfield - Adult 51 <sup>st</sup> District, Waterford - DUI 52-1 District, Novi - DUI 52-4 District, Troy - DUI	\$90,000	\$40,000 \$110,000 \$10,000 \$25,000 \$35,000 \$53,500 \$50,000	\$164,627 \$14,808 \$62,028 \$44,799 \$80,000	\$130,000 \$274,627 \$24,808 \$87,028 \$35,000 \$98,299 \$130,000
<b>Ottawa County</b> 20 <sup>th</sup> Circuit - Adult		\$32,000		\$32,000
<b>Wayne County</b> 3 <sup>rd</sup> Circuit - Adult 3 <sup>rd</sup> Circuit - Juvenile 19 <sup>th</sup> District, Dearborn - Adult 36 <sup>th</sup> District, Detroit - Adult	\$225,000	\$90,000 \$152,000 \$44,000	\$53,475 \$70,000	\$315,000 \$152,000 \$53,475 \$114,000
<b>TOTAL</b>	<b>\$1,025,000</b>	<b>\$1,687,000</b>	<b>\$1,800,957</b>	<b>\$4,512,957</b>

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With the federal Byrne funding in the judicial appropriation, the Judiciary is working with the Department of Corrections and the Office of Drug Control Policy to use the program to assist in avoiding prison bed space growth for non-violent offenders. These funds are targeting nonviolent probation violators and other nonviolent felony offenders who, based on local sentencing practices, are otherwise bound for prison. The long run goal is to reduce drug use and recidivism among this population of offenders.

### **Justices' and Judges' Salaries**

Included in the Governor's recommended budget is a net reduction of \$101,700 in justices' and judges' salaries to recognize various judgeship changes from 2001 and 2002 legislation and to provide necessary funding for judges' defined contribution and social security payroll tax costs.

### **Economic Adjustments**

The Governor's recommended budget includes net general fund increases of \$2,385,400 (\$2,578,200 gross) for employee economics and reductions of \$1,217,100 for building occupancy because of reduced billing rates by DMB. It also incorporates the \$1,100,000 of general fund reductions from the FY 2004 negative supplemental, PA 237 of 2003, including \$500,000 of reductions to judicial operations. This results in a net general fund increase of \$1,885,400 for judicial operations over the enacted FY 2004 appropriation.

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**Michigan Supreme Court Fiscal Year 2005 Budget Request**

	<b>ENACTED 2003-2004 (with 12/03 negative supplemental)</b>	<b>JUDICIARY PROPOSED AND GOVERNOR'S REC. FY 2005</b>
<b>APPROPRIATION SUMMARY:</b>		
Full-time equated exempted positions 582.5		
GROSS APPROPRIATION	253,067,900	253,216,600
Total interdepartmental grants	4,633,500	4,633,500
ADJUSTED GROSS APPROPRIATION	248,434,400	248,583,100
Total federal revenues	4,106,500	4,015,600
Special revenue funds:		
Total local revenues	3,148,700	3,298,100
Total private revenues	842,500	842,500
Total other restricted revenues	80,120,300	82,333,600
State general fund/general purpose	160,216,400	158,093,300
<b>SUPREME COURT</b>		
Full-time equated exempted positions 285.0		
Supreme Court Administration, 117.0 FTE positions	9,918,100	10,704,000
Judicial Institute, 19.0 FTE positions	2,909,700	2,661,300
State Court Administrative Office, 79.0 FTE positions	9,745,100	10,149,100
Judicial Information Systems, 21.0 FTE positions	4,511,400	4,608,500
Direct Trial Court Automation Support, 33.0 FTE positions	3,148,700	3,298,100
Foster Care Review Board, 12.0 FTE positions	1,159,600	1,207,500
Community Dispute Resolution Program, 4.0 FTE positions	2,499,800	2,248,400
Drug Treatment Courts	4,635,000	4,635,000
Other Federal Grants		275,000
GROSS APPROPRIATION	38,527,400	39,786,900
Appropriated from:		
Interdepartmental grant revenues:		
IDG from department of community health	1,800,000	1,800,000
IDG from department of career development	95,000	95,000
IDG from state police—criminal justice improvement	2,015,000	2,015,000
IDG from state police—Michigan justice training fund	300,000	300,000
Federal revenues:		
DOE—special education grant	150,000	
DOJ—enforcing underage drinking laws	50,000	
DOJ—victims assistance program	50,000	50,000
DOJ—drug court training and evaluation	300,000	300,000
DOT—national highway safety traffic administration	215,300	215,300
HHS—access and visitation grant	387,000	387,000
HHS—children's justice grant	1,160,000	1,160,000
HHS—court improvement project		200,000
HHS—domestic violence prevention	175,000	
HHS—TANF	50,000	
HHS—title IV-D child support program	907,700	907,700
HHS—title IV-E foster care program	500,000	520,600
USDA —agriculture mediation grant	125,000	
Other federal grants		275,000

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<b>SUPREME COURT (continued)</b>			
Special revenue funds:			
Local—user fees	3,148,700	3,298,100	
Private	169,000	169,000	
Private—interest on lawyers trust accounts	232,700	232,700	
Private—state justice institute	370,800	370,800	
Community dispute resolution fees	2,224,800	2,248,400	
Law exam fees	482,100	482,100	
Drug court fund	1,267,500	1,688,300	
Miscellaneous revenue	227,900	227,900	
Justice system fund	600,000	600,000	
State court fund	319,000	319,000	
State general fund/general purpose	21,204,900	21,925,000	
<b>COURT OF APPEALS</b>			
Full-time equated exempted positions 228.5			
Operations, 228.5 FTE positions	17,045,700	17,911,800	
GROSS APPROPRIATION	17,045,700	17,911,800	
Appropriated from:			
Special revenue funds:			
Court filing/motion fees	1,746,000	1,746,000	
Miscellaneous revenue	77,800	77,800	
State general fund/general purpose	15,221,900	16,088,000	
<b>BRANCHWIDE APPROPRIATIONS</b>			
Full-time equated exempted positions 4.0			
Branchwide appropriations, 4.0 FTE positions	8,126,000	7,077,900	
GROSS APPROPRIATION	8,126,000	7,077,900	
Appropriated from:			
State general fund/general purpose	8,126,000	7,077,900	
<b>JUSTICES' AND JUDGES' COMPENSATION</b>			
Full-time judges' positions 613.0			
Supreme court justices' salaries, 7.0 judges	1,152,300	1,152,300	
Court of appeals judges' salaries, 28.0 judges	4,240,300	4,240,300	
District court judges' state base salaries, 258.0 judges	23,946,700	23,877,200	
District court judicial salary standardization	11,831,100	11,796,800	
Probate court judges' state base salaries, 103.0 judges	9,168,500	9,030,800	
Probate court judicial salary standardization	4,407,100	4,344,200	
Circuit court judges' state base salaries, 217.0 judges	20,346,300	20,416,900	
Circuit court judicial salary standardization	9,876,400	9,910,700	
Judges' retirement system defined contributions	2,557,800	2,704,100	
OASI, social security	4,738,200	4,689,700	
GROSS APPROPRIATION	92,264,700	92,163,000	
Appropriated from:			
Special revenue funds:			
Court fee fund	7,090,200	7,090,200	
State general fund/general purpose	85,174,500	85,072,800	

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<b>JUDICIAL AGENCIES</b>			
	Full-time equated exempted positions 10.0 Judicial tenure commission, 10.0 FTE positions	992,000	989,000
	<b>GROSS APPROPRIATION</b>	992,000	989,000
	Appropriated from: State general fund/general purpose	992,000	989,000
<b>INDIGENT DEFENSE—CRIMINAL</b>			
	Full-time equated exempted positions 55.0 Appellate public defender program, 47.0 FTE positions Appellate assigned counsel administration, 8.0 FTE positions	4,453,800 800,300	4,586,500 843,500
	<b>GROSS APPROPRIATION</b>	5,254,100	5,430,000
	Appropriated from:		
	Interdepartmental grant revenues:		
	IDG from state police—Michigan justice training fund	423,500	423,500
	Federal revenues:		
	DOJ—assigned criminal defense	36,500	
	Special revenue funds:		
	Private—interest on lawyers trust accounts	70,000	70,000
	Miscellaneous revenue	113,100	113,100
	State general fund/general purpose	4,611,000	4,823,400
<b>INDIGENT LEGAL ASSISTANCE—CIVIL</b>			
	Indigent legal civil assistance	7,337,000	7,337,000
	<b>GROSS APPROPRIATION</b>	7,337,000	7,337,000
	Appropriated from:		
	Special revenue funds:		
	State court fund	7,337,000	7,337,000
	State general fund/general purpose	0	0
<b>TRIAL COURT OPERATIONS</b>			
	Court equity fund reimbursements	69,906,000	68,906,000
	Judicial technology improvement fund	4,465,000	4,465,000
	<b>GROSS APPROPRIATION</b>	74,371,000	73,371,000
	Appropriated from:		
	Special revenue funds:		
	Court equity fund	45,019,900	46,788,800
	Judicial technology improvement fund	4,465,000	4,465,000
	State general fund/general purpose	24,886,100	22,117,200

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GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT			
	Drunk driving case-flow program	2,300,000	2,300,000
	Drug case-flow program	250,000	250,000
	Juror compensation reimbursement	6,600,000	6,600,000
	GROSS APPROPRIATION	9,150,000	9,150,000
	Appropriated from:		
	Special revenue funds:		
	Drunk driving fund	2,300,000	2,300,000
	Drug fund	250,000	250,000
	Juror compensation fund	6,600,000	6,600,000
	State general fund/general purpose	0	0